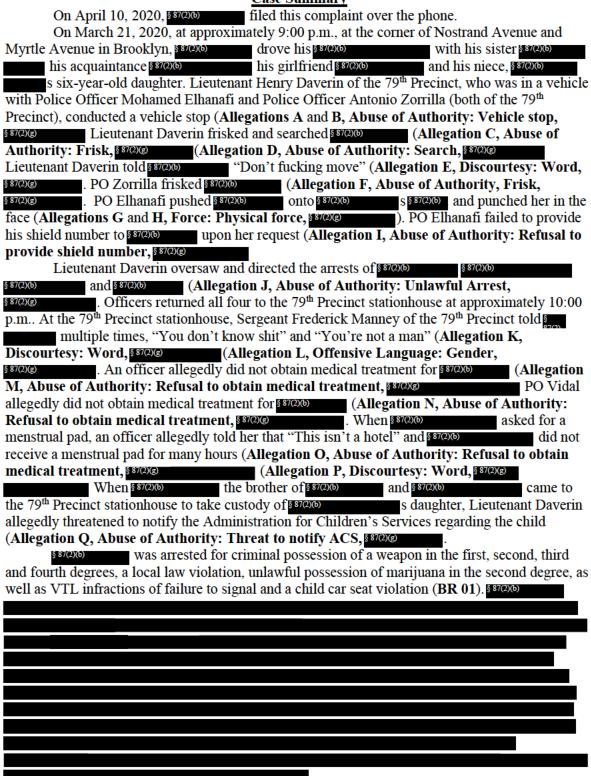
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	▼ Force	e V	Discourt	☐ U.S.
				-	_		_
Ethan Waterman		Squad #10	202002726	Abus	se 🗹	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Precino	ct: 18	3 Mo. SOL	EO SOL
Saturday, 03/21/2020 9:00 PM, 03/21/2020 10:00 PM	Saturday,	Nostrand Avenue and I 79th Precinct stationho		79	ģ	9/21/2021	5/4/2022
Date/Time CV Reported		CV Reported At:	How CV Reported	: Date/	Time Red	ceived at CC	RB
Fri, 04/10/2020 12:55 PM		CCRB	Phone	Fri, 0	4/10/202	0 12:55 PM	
Complainant/Victim	Type	Home Addre	ess				
Witness(es)		Home Addre	ess				
Subject Officer(s)	Shield	TaxID	Command				
1. An officer			079 PCT				
2. POM Joel Vidal	15650	966390	079 PCT				
3. POM Mohamed Elhanafi	15082	955897	079 PCT				
4. LT Henry Daverin	00000	945645	079 PCT				
5. POM Antonio Zorrilla	10893	961480	079 PCT				
6. SGT Frederick Manney	04797	949938	079 PCT				
Witness Officer(s)	Shield N	o Tax No	Cmd Name				
1. POM Patrick Reilly	16493	957993	079 PCT				
2. POM Anthony Davila	14220	956571	079 PCT				
3. SGT Sebastian Hajder	00229	953944	079 PCT				
Officer(s)	Allegation	on			Investig	gator Reco	nmendation
A.POM Antonio Zorrilla	Brooklyı	At Nostrand Avenue and n, Police Officer Antonion n which \$87(2)(b) w		ie			
B.LT Henry Daverin	Brooklyı	At Nostrand Avenue and n, Lieutenant Henry Dav ele in which [887(2)(b)		stopping			
C.LT Henry Daverin		At Nostrand Avenue and n, Lieutenant Henry Dav		l			
D.LT Henry Daverin		At Nostrand Avenue and n, Lieutenant Henry Dav					
E.LT Henry Daverin		esy: At Nostrand Avenu n, Lieutenant Henry Dav					

Officer(s)	Allegation	Investigator Recommendation
F.POM Antonio Zorrilla	Abuse: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Police Officer Antonio Zorrilla frisked 887(2)(b)	
G.POM Mohamed Elhanafi	Force: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Police Officer Mohamed Elhanafi used physical force against \$\frac{887(2)(6)}{2}\$	
H.POM Mohamed Elhanafi	Force: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Police Officer Mohamed Elhanafi used physical force against \$\frac{887(2)(b)}{2}\$	
I.POM Mohamed Elhanafi	Abuse: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Police Officer Mohamed Elhanafi refused to provide his shield number to \$87(2)(b)	
J.LT Henry Daverin	Abuse: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Lieutenant Henry Daverin arrested state unlawfully.	
K.SGT Frederick Manney	Discourtesy: At the 79th Precinct stationhouse, Sergeant Frederick Manney spoke discourteously to \$87(2)(6)	
L.SGT Frederick Manney	Off. Language: At the 79th Precinct stationhouse, Sergeant Frederick Manney made remarks to \$\frac{8}{87(2)(b)}\$ based upon the gender of \$\frac{8}{87(2)(b)}\$	
M. An officer	Abuse: At the 79th Precinct stationhouse, an officer did not obtain medical treatment for § 87(2)(b)	
N.POM Joel Vidal	Abuse: At the 79th Precinct stationhouse, Police Officer Joel Vidal did not obtain medical treatment for \$87(2)(b)	
O. An officer	Abuse: At the 79th Precinct stationhouse, an officer did not obtain medical treatment for § 87(2)(b)	
P. An officer	Discourtesy: At the 79th Precinct stationhouse, an officer spoke discourteously to \$87(2)(b)	
Q.LT Henry Daverin	Abuse: At the 79th Precinct stationhouse, Lieutenant Henry Daverin threatened to notify Administration for Children's Services.	

Case Summary



was not arrested during this incident.

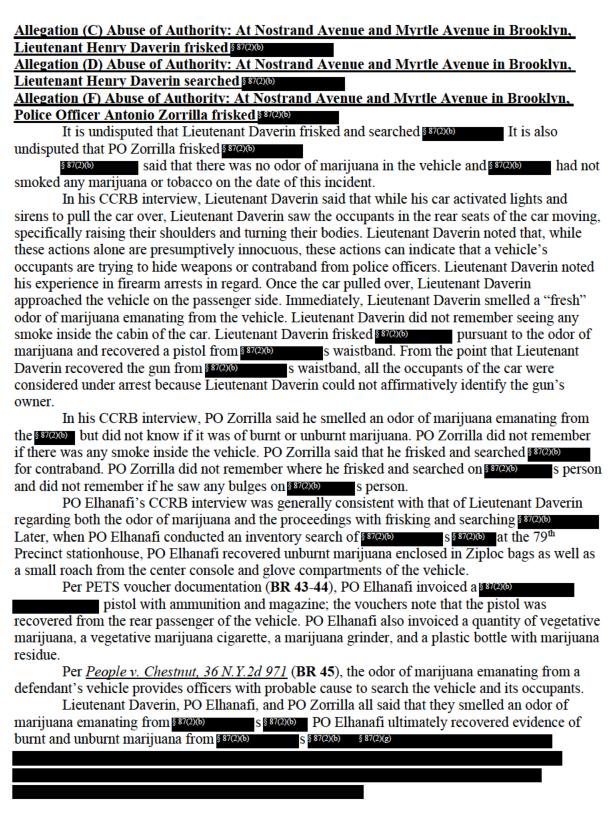
The investigation interviewed Police Officer Patrick Reilly of the 79th Precinct regarding

The investigation interviewed Police Officer Patrick Reilly of the 79^{th} Precinct regarding this incident as a witness to the incident (**BR 09**). The investigation determined that PO Reilly was not witness to any of the allegations.

The investigation received body-worn camera (BWC) footage regarding this incident (**BR 10-30**), the relevant aspects of which shall be discussed below.

Allegation (A) Abuse of Authority: At Nostrand Avenue and Myrtle Avenue in Brooklyn,

Police Officer Antonio Zorrilla stopped the vehicle in which \$87(2)(b) was an occupant. Allegation (B) Abuse of Authority: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Lieutenant Henry Daverin participated in stopping the vehicle in which \$87(2)(6) was an occupant. told the investigation (**BR 31-32**) that as he drove westbound on Myrtle Avenue towards the intersection with Nostrand Avenue, he noticed police lights coming towards him in the rearview mirror. Trying to get out of the way and allow the police vehicle to pass, pulled over to the right without signaling, stopped the car in front of the B54 bus stop, and waited for the police vehicle to pass. The police vehicle, which was an unmarked black sedan, stopped directly behind \$87(2)(b) s vehicle, and four male plainclothes officers exited the vehicle. An officer, who the investigation established through BWC as PO Zorrilla, approached [87(2)(6)] upon arriving at \$87(2)(b) s window, PO Zorrilla asked \$87(2)(b) for the \$87(2)(b) s keys. asked PO Zorrilla why he was being stopped and PO Zorrilla said that \$87(2)(6) had failed to signal when he parked the car. s statements to the investigation (BR 33-34) were generally consistent with those of § 87(2)(b) except that she said that the police vehicle did not activate its police lights. statements to the investigation (**BR 35**) were generally consistent with those of § 87(2)(b) except that she said that she saw the unmarked black police sedan follow §87(2)(b) for several blocks prior to activating its lights. (BR 36-37) was not present for this portion of the incident. s daughter was six years old at the time of this incident, the As § 87(2)(b) investigation did not interview her. declined to participate in this investigation, \$87(2)(b) In his CCRB interview, PO Zorrilla said (BR 38) that he was driving in an unmarked police vehicle with Lieutenant Daverin and PO Elhanafi when he saw a \$87(2)(6) Minnesota license plates fail to signal and pulled the car over. PO Zorrilla said there was no other reason to pull the car over. PO Zorrilla had not previously seen this \$87(2)(6) on March 21, 2020. PO Zorrilla then approached the vehicle and spoke with \$87(2)(b) In his CCRB interview, PO Elhanafi (BR 39) said he sat in the backseat of the unmarked police vehicle. PO Elhanafi observed a four-door sedan fail to signal and stop in front of the bus stop on the northeast corner of Nostrand Avenue and Myrtle Avenue in Brooklyn. PO Elhanafi did not see any other infractions committed by the vehicle's driver. In his CCRB interview, Lieutenant Daverin (BR 40) said he sat in the front passenger seat of the unmarked police vehicle. Someone in Lieutenant Daverin's vehicle observed a car commit a traffic infraction. Lieutenant Daverin did not know what the infraction was or who specifically identified it. The BWC activations of Lieutenant Daverin, PO Elhanafi, and PO Zorrilla (BR 10-12)do not capture any traffic infractions committed by \$87(2)(b) in his \$87(2)(b) Per Vehicle and Traffic Law §1163 (BR 41), drivers must give an appropriate signal prior to turning any vehicle. Vehicle and Traffic Law § 1164 (BR 42) defines such appropriate signals as hand signals or signal lamps. made a lane change without signaling. This is a vehicle and traffic law violation.



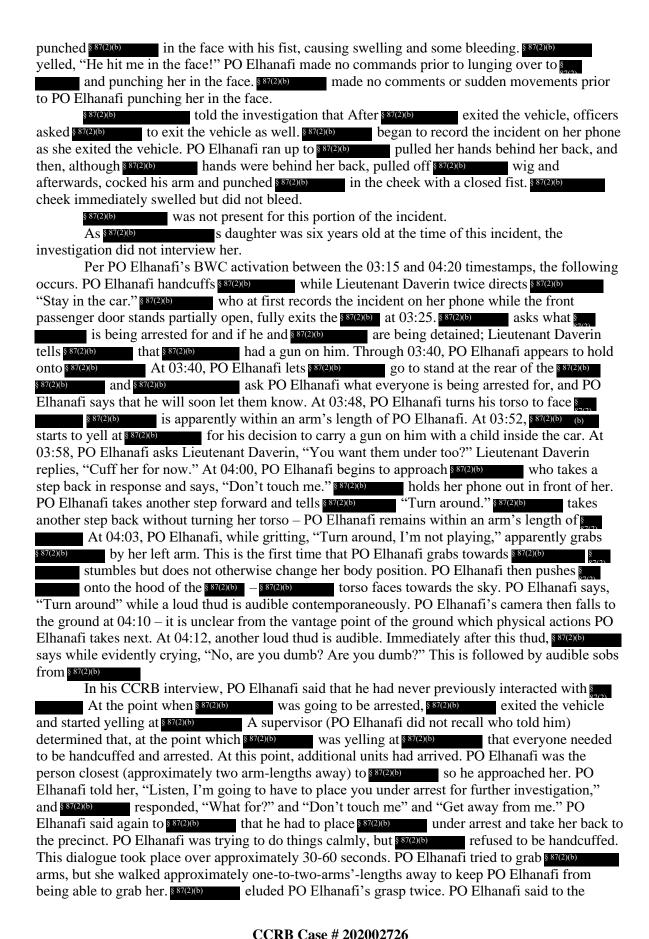
Allegation (E) Discourtesy: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Lieutenant Henry Daverin spoke discourteously to [887(2)(6)]

This allegation stems from Lieutenant Daverin's BWC (**BR 09**). At the 03:15 timestamp, as Lieutenant Daverin and PO Elhanafi begin to handcuff

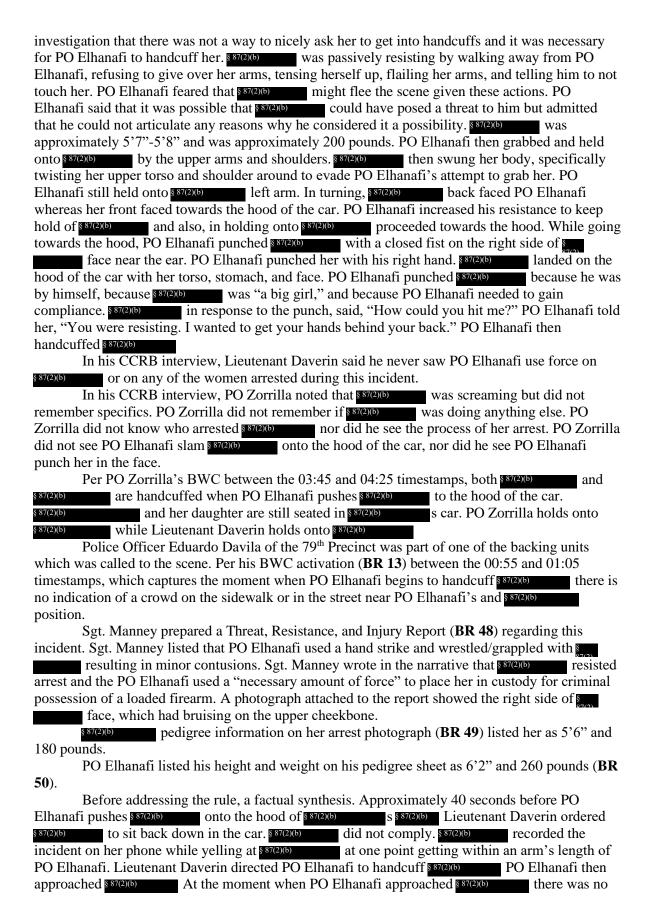
"Don't move. Don't fucking move." In his CCRB interview, Lieutenant Dayerin said that he said, "Don't fucking move" to to emphasize the severity of the situation; he had just pulled a loaded gun off which put Lieutenant Daverin in a heightened state due the inherent risk presented by that gun. Per DAO-DCT Disciplinary Case No. 2013-10143 (BR 46), while officers are held to a high standard of conduct, the traditional rules of etiquette (including the prohibition of the use of profanity) cannot be applied to stressful enforcement situations. Per the NYPD's stated values elucidated in Patrol Guide Procedure 200-02 (BR 47), all members of service pledge to "maintain a higher standard of integrity than is generally expected of others" and to "respect the dignity of each individual and render [their] services with courtesy and civility." Allegation (G) Force: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Police Officer Mohamed Elhanafi used physical force against § 87(2)(6) Allegation (H) Force: At Nostrand Avenue and Myrtle Avenue in Brooklyn, Police Officer Mohamed Elhanafi used physical force against § 87(2)(6) told the investigation that, when PO Zorrilla directed \$87(2)(6) to step out of the vehicle, she exited the \$87(2)(b) to record the incident. \$87(2)(b) stood on the passenger side of the car. \$87(2)(b) noticed that approximately three police vehicles arrived, with more than ten officers arrived on-scene. Approximately 20 civilians looked on as well. When Lieutenant Daverin recovered the gun from § 87(2)(b) § 87(2)(b) repeatedly asked to see the weapon, but she came within approximately two arm's lengths of the officers and while she recorded them. Another officer yelled out, "Her too!" referring to \$87(2)(6) A female officer took \$87(2)(b) hands. \$87(2)(b) dropped her phone and put her arms behind kept her hands behind her back and said that she was not resisting arrest. While the female officer tried to grab her handcuffs, PO Elhanafi approached \$87(2)(6) wig off and pushed \$87(2)(b) against the hood of the \$87(2)(b) PO Elhanafi then around by the hips and arms so that she faced towards the hood of the \$87(2)(6) repeated that she was not resisting arrest and kept her arms behind her back. PO Elhanafi then began to frisk \$87(2)(b) reiterated, however, that she was not resisting asked why she was being arrested. PO Elhanafi reached for his handcuffs but did not locate them immediately. \$87(2)(b) stood still, but PO Elhanafi kept pulling her arms left and right, forcing \$87(2)(b) to move in the same manner. PO Elhanafi then punched § 87(2)(b) in the face near her right eye and temple with a closed fist, using his right hand. § 87(2)(b) believed PO Elhanafi used his right hand because PO Elhanafi was holding left hand at the time, presumably with his left. \$87(2)(6) yelled that PO Elhanafi punched her in the face, garnering a response from the crowd, with folks yelling, "No!" cheek immediately began to swell, turning green and red, while she began to bleed from the mouth because PO Elhanafi loosened one of her teeth with his punch. Finally, nearly 90 seconds after the female officer first took \$87(2)(b) hands to be handcuffed, PO Elhanafi handcuffed § 87(2)(b) told the investigation that \$87(2)(b) exited the \$87(2)(b) at the same time under the direction of officers. As \$87(2)(b) exited the vehicle, a female officer lunged at her, prompting her to drop her phone and step back. The female officer grabbed her and \$87(2)(6) her arms behind her back to be handcuffed, saying, "I'm not resisting!" The female officer and PO

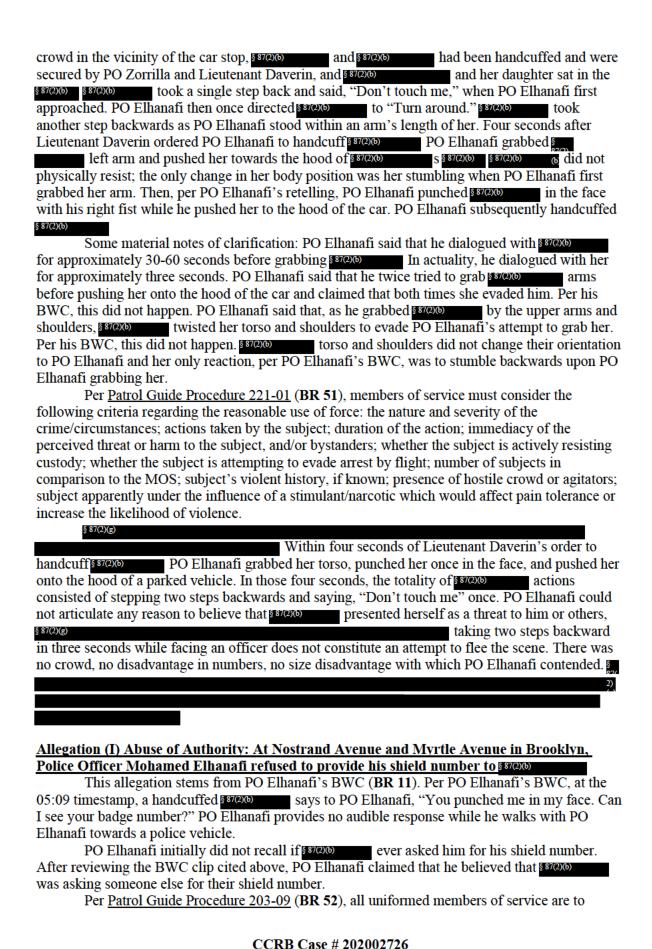
Elhanafi slammed \$87(2)(b) face down on the hood of \$87(2)(b) s vehicle. PO Elhanafi then

arms apart (as they remained behind her back, ready to be handcuffed) and

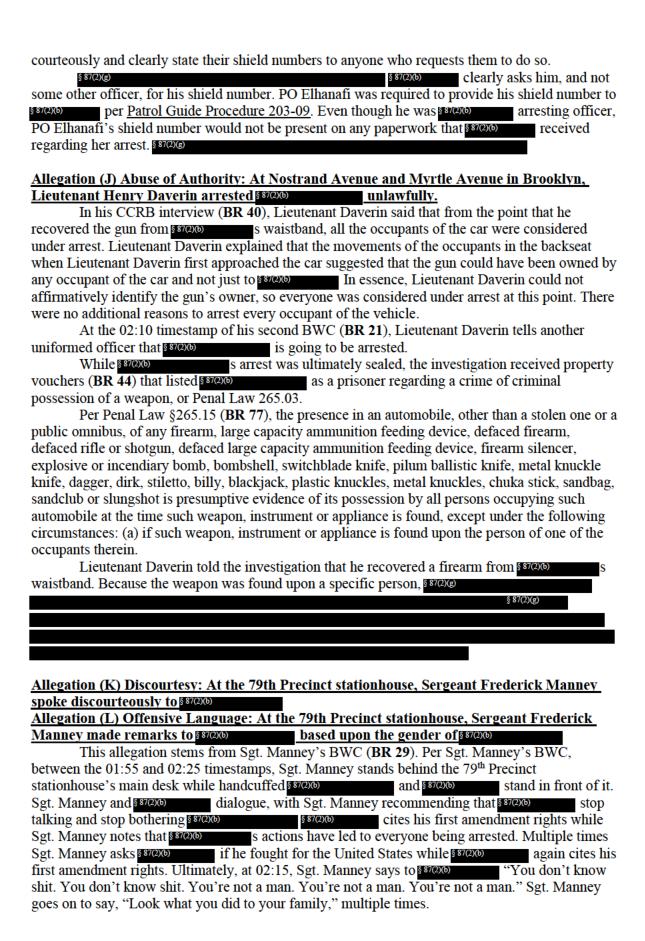


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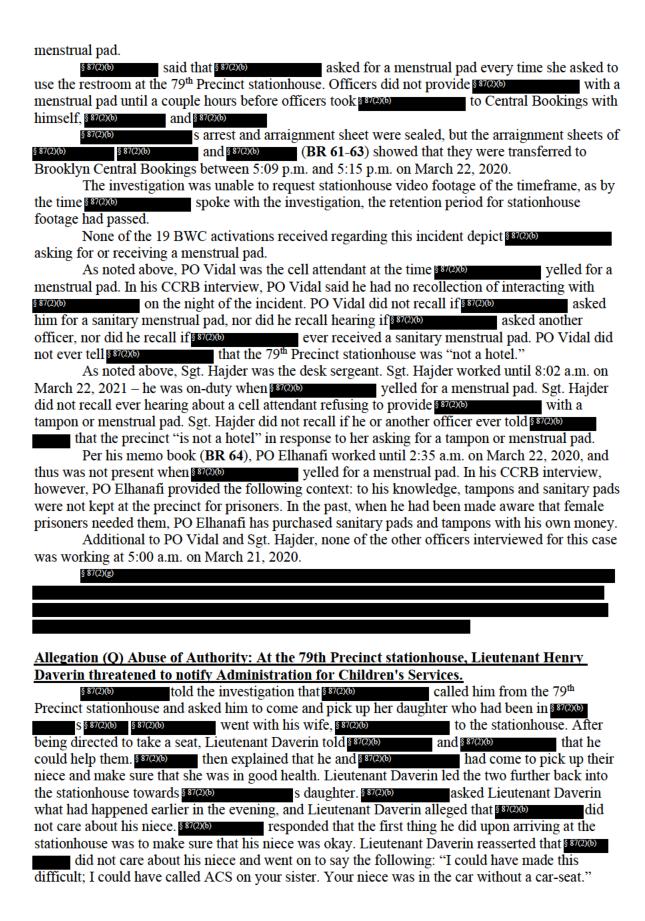
In his CCRB interview following a review of the BWC noted above (BR 53), Sgt. Manney said that he felt "some kind of way" about how \$87(2)(b) had been acting; \$87(2)(b) s actions had led to everyone getting arrested, while \$87(2)(b) continued to be verbally combative and looked like he didn't care about the consequences of his actions. Per DAO-DCT Disciplinary Case No. 2013-10143 (BR 46), while officers are held to a high standard of conduct, traditional rules of etiquette, including the prohibition of the use of profanity, cannot be applied to stressful enforcement situations. Per the NYPD's stated values elucidated in Patrol Guide Procedure 200-02 (**BR 47**), all members of service pledge to "maintain a higher standard of integrity than is generally expected of others" and to "respect the dignity of each individual and render [their] services with courtesy and civility." Sgt. Manney used profanity in a mundane, non-dangerous situation – speaking to a talkative prisoner while standing behind the main desk of his stationhouse. Regardless of his feeling "some kind of way" about \$87(2)(b) Sgt. Manney's statements of "You don't know shit" and "You're not a man" fail to uphold the NYPD's values of higher standards of integrity and of respecting the dignity of all people by acting civilly and courteously. §87(2)(g) Per Patrol Guide Procedure 203-10 (**BR 54**), officers are prohibited from using discourteous or disrespectful remarks regarding another person's gender. Sgt. Manney tells \$87(2)(b) repeatedly, "You're not a man." This is definitionally a discourteous and disrespectful remark regarding \$87(2)(b) s gender. \$87(2)(g) Allegation (M) Abuse of Authority: At the 79th Precinct stationhouse, an officer did not obtain medical treatment for § 87(2)(b) Allegation (N) Abuse of Authority: At the 79th Precinct stationhouse, Police Officer Joel Vidal did not obtain medical treatment for § 87(2)(6) told the investigation that she asked three times for medical attention while at the stationhouse. §87(2)(b) once asked an unknown plainclothes officer for medical attention, who said that he was unable to assist her because her case involved the detective squad. [87(2)(6)] also PO Vidal twice for medical attention, and each time PO Vidal said he would come back to help but did not do so. \$87(2)(b) said that she did not received any medical treatment while she was lodged at the 79th Precinct stationhouse. Per PO Davila's BWC activation (**BR 13**) at the 15:34 timestamp, \$3(2)6 says in front of a group of both uniformed and plainclothes officers, "Yo, he hurt my back. I want to go to the hospital. This shit hurt. My fucking bones hurt. I am so aggravated." \$ \$7(2)(b) told the investigation that he was separated from \$ \$7(2)(b) while he was lodged at the stationhouse – the holding cells were in different rooms. However, \$87(2)(b) ask for an ambulance. told the investigation that she was also separated from \$87(2)(b) while lodges in the stationhouse – the holding cells were in different rooms. § 87(2)(b) hear anything that \$87(2)(b) said while she was lodged at the precinct stationhouse. \$87(2)(b) noted that officers called an ambulance for her because she hyperventilated. EMTs addressed and calmed her down before leaving. Per the prisoner holding pen roster prepared for March 21, 2020 (BR 55), there were seven prisoners lodged at the 79th Precinct stationhouse as of 10:52 p.m. PO Vidal is listed as the member of service responsible for guarding the prisoners until 7:30 a.m. on March 22, 2020. In his CCRB interview, PO Vidal told the investigation (BR 56) that he did not ever hear

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any prisoners ask for medical attention. PO Vidal also initially told the investigation that he was not

responsible for any of the prisoners on the night of the incident; after reviewing the prisoner holding pen roster prepared on the night of this incident, he admitted that he was the officer

responsible for the care of the prisoners on the night of this incident. Still, PO Vidal said that he did not recall having any interaction with § 87(2)(b) Sgt. Manney wrote in the TRI he prepared (BR 48) regarding \$87(2)(6) that § 87(2)(b) refused medical attention. Sgt. Manney did not dispute that he prepared the TRI but had no recollection of doing so. Sgt. Manney believed, after reviewing his memo book, that officers called an ambulance for \$87(2)(b) and she refused treatment at the 79th Precinct stationhouse. Sgt. Manney believed he took photographs of [87(2)] injuries but did not independently recall. A request for a Medical Treatment of Prisoner Report regarding § \$7(2)(6) negative results (BR 57). Per the 79th Precinct command log, the arrest entry for \$87(2)(6) listed her physical condition as "apparently normal" and did not contain any notes clarifying whether she received medical treatment at the stationhouse (BR 58). In his CCRB interview, PO Elhanafi said that he did not recall if \$87(2)(6) him or any other officers for medical attention. Sgt. Hajder was the desk sergeant at the time of this incident. In his CCRB interview, Sgt. Hajder said (BR 59) that one of his responsibilities as the desk sergeant included the supervision of cells attendants and assuring the well-being of all lodged prisoners. Sgt. Hajder did not have any recollection of interacting with (1970) on the night of this incident. Sgt. Hajder did not recall if anybody ever asked him for medical attention on the night of the incident. Sgt. Hajder did not ever refuse to provide medical attention to \$87(2)(6) Per EVENT documentation (BR 60), the 79th Precinct made two calls for an ambulance at 10:52 p.m. and 10:56 p.m. The first regarded a prisoner who had difficulty breathing while the second regarded a prisoner with minor injuries. Ultimately, one ambulance responded to and ultimately finalized both jobs without removing anyone to a medical facility. The investigation was unable to request stationhouse video footage of the timeframe, as by spoke with the investigation, the retention period for stationhouse footage had passed. None of the 19 BWC activations received regarding this incident depict \$87(2)(6) treated by medical professionals. It is evident that \$87(2)(b) requested medical attention. It is also clear that a member(s) of service called for medical attention at the 79th Precinct stationhouse regarding a prisoner with minor injuries. It is not clear, however, if \$87(2)(6) specifically received medical attention; she said she did not, Sergeant Manney said she refused it, no other civilian was in a position to witness whether service medical attention, and no other member of service had an independent recollection of whether \$87(2)(6) received medical attention. \$87(2)(6) Allegation (O) Abuse of Authority: At the 79th Precinct stationhouse, an officer did not obtain medical treatment for \$87(2)(6) Allegation (P) Discourtesy: At the 79th Precinct stationhouse, an officer spoke discourteously to § 87(2)(b) told the investigation that, at approximately 5:00 a.m. on March 22, 2020, she was still in a holding cell at the 79th Precinct stationhouse when she yelled and asked for a menstruation pad. An officer, who §87(2)(6) heard but did not see, yelled back at that the precinct "was not a hotel." At some point a long time later \$87(2)(6) was unable to determine how long an officer provided \$87(2)(6) with a menstrual pad. told the investigation that § 87(2)(b) asked for a menstrual pad every went to the bathroom but did not know if \$87(2)(6) time § 87(2)(b) ever received a



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Lieutenant Daverin asserted again that \$37000 did not care about his niece and ultimately laughed and walked away from \$87(2)(6) In his CCRB interview, Lieutenant Daverin said that the \$87(2)(6) family member to care for the child and that family member later took custody of the child. Lieutenant Daverin said that he preferred in these situations to not involve the Administration for Children's Services (ACS) when possible. Lieutenant Daverin said that he never called ACS and never threatened to call ACS. Lieutenant Daverin said that he may have explained the situation to the family member which took custody of the child, but never said that he could have called ACS regarding the child. Per Patrol Guide Procedure 215-01 (BR 65), officers were required to notify ACS Emergency Children's Service and the ACS Instant Response Team Coordinator in all situations when a child less than eighteen of years of age is without care or supervision due to the arrest of their guardian. While \$ 87(2)(6) alleged that Lieutenant Daverin threatened to call ACS, Lieutenant Daverin denied this. § 87(2)(g) Civilian and Officer CCRB Histories § 87(2)(b) This is the first complaint to which § 87(2)(b) is a party (**BR 69**). § 87(2)(b) Lieutenant Daverin has been a member of service for 13 years and has been subject in 34 CCRB cases and 126 allegations, 14 of which have been substantiated. o 201502623 involved substantiated allegations of frisk, refusal to provide name/shield number, and a vehicle search. The Board recommended and the NYPD imposed Command Discipline A. ○ § 87(2)(g), § 87(4-b)

201604699 involved a substantiated allegation of premises entered and/or searched. The Board recommended Command Discipline B and the NYPD imposed no penalty. § 87(2)(g), § 87(4-b) The NYPD imposed no penalty. 201609358 involved a citation for other misconduct regarding the failure to prepare a memo book entry. The NYPD imposed Command Discipline B. § 87(2)(g), § 87(4-b) § 87(2)(g), § 87(4-b) 201911006 involved substantiated allegations of a frisk, two stops, and discourtesy word. The Board recommended Command Discipline B and the NYPD's imposed penalty is not yet updated in the CTS+ database. Sgt. Manney has been a member of service for 10 years and has been a subject in 14 CCRB cases and 48 allegations, seven of which were substantiated or cited. 201903851 involved substantiated allegations of failure to provide RTKA card and two allegations of search of premises. The Board recommended charges and the NYPD's imposed penalty is not yet updated in the CTS+ database. §87(2)(g), §87(4-b) PO Elhanafi has been a member of service for seven years and has been a subject in 12 CCRB cases and 39 allegations, one of which was substantiated. 202003707 involved a substantiated allegation of physical force. The Board recommended Command Discipline B and the NYPD's imposed penalty is not yet updated in the CTS+ database. PO Zorrilla has been a member of service for five years and has been a subject in 10 CCRB cases and 34 allegations, one of which was substantiated. 201907037 involved a substantiated allegation of discourtesy – word. The Board recommended Command Discipline A and the NYPD's imposed penalty is not yet updated in the CTS+ database. Mediation, Civil, and Criminal Histories This case was not suitable for mediation. As of September 16, 2020, the New York City Office of the Comptroller had no record of a Notice of Claim being filed with regard to this incident (BR 71).

§ 87(2)(b)			
Squad No.:	10		
Investigator:	Ethan C. Waterman Signature	Inv. Ethan Waterman Print Title & Name	March 16, 2022 Date
Squad Leader:	Eric Rigie Signature	IM Eric Rigie Print Title & Name	3/16/2022 Date
Reviewer:	Signature	Print Title & Name	 Date